

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BRENT Z.,

Civ. No. 22-511 JWB/JFD

Plaintiff,

v.

ORDER

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

The above matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge John F. Docherty dated January 30, 2023. (Doc. No. 22.) No objections have been filed to that R&R in the time permitted. In the absence of timely objections, the Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, the Court finds no clear error.¹

Based on the Report and Recommendation, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. No. 22) is **ACCEPTED;**
2. Plaintiff’s Motion for Summary Judgment (Doc. No. 14) is **GRANTED IN PART** and **DENIED IN PART;**

¹ The Court also notes that the R&R, with respect to the Federal Vacancies Reform Act of 1998, is consistent with recent 8th Circuit precedent on the issue. *See Dahle v. Kijakazi*, No. 22-1601, 2023 WL 2379383 (8th Cir. Mar. 7, 2023).

3. Defendant's Motion for Summary Judgment (Doc. No. 16) is **DENIED**; and
4. The Commissioner's decision is **REMANDED** to the Social Security Administration to address the one-to-two step task limitation per the R&R.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 8, 2023

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Court